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March 7, 2008

Ira S. Cure, Esq. Broach & Stulberg, LLP One Penn Plaza Suite 2016 New York, New York 10119

Re:

Cruise v. Doyle

07-CV-3940 (Pauley, J.)(Pitman, M.J.)

Our File No. 4422.001

Dear Mr. Cure:

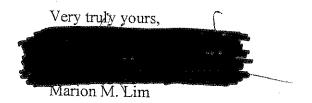
Defendants MTA Metro-North Railroad ("Metro-North") and the Association of Commuter Rail Employees, Local Division 9 ("ACRE") write jointly to demand that Plaintiffs voluntarily withdraw Plaintiffs' First Cause of Action in their Amended Complaint (specifically paragraphs "52" through "58").

Plaintiffs First Cause of Action in their Amended Complaint fails to make any new and/or different allegations with respect to the allegations contained in the original Complaint. The Court's January 9, 2008 Order (as amended on January 11, 2008) dismisses the Plaintiffs Complaint for failure to plead within the appropriate statute of limitations. Although the Order grants Plaintiffs the right to replead, Plaintiffs are not entitled to replead a cause of action which was plead in the original Complaint and subsequently dismissed by the Court.

Therefore, Metro-North and ACRE jointly demand that Plaintiffs voluntarily withdraw their First Cause of Action contained in paragraphs "52" through "58" of the Amended Complaint.

Ira S. Cure, Esq. March 7, 2008 Page 2 of 2

Thank you for your courtesy and cooperation in this matter.



cc: Amy F. Shulman, Esq. Frank Rinaldi, Esq. Michael Doyle

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Please deliver the following page(s) to:

Name: Louie Nikolaidis

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Recipient's Fax No.: (212) 419-1510

From: Marion M. Lim, Esq.

Date: March 12, 2008

Client Matter No.: 4422.001

Time: 4:15 p.m.

Client Matter Name: Cruise v. Doyle

Total number of pages including this cover sheet: 3

Message: Pursuant to my voicemail, attached please find a copy of the letter addressed to Mr. Ira Cure, Esq. regarding *Cruise v. Doyle*, which is now being sent to your attention as counsel for Plaintiffs in this matter. Thank you.

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Case 1:07-cv-03940-WHP Document 47-3 Filed 07/11/2008 Page 4 of 4

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